IN THE HIGH COURT OF DELHI

Bail Application No. 1533/2007

Atul Bansal ..... Petitioner
! through: Mr. B.R.Sharma, Advocate

VERSUS

$ State ..... Respondent
^ through: Mr. Anil Soni, Advocate

% DATE OF DECISION: 09.08.2007

CORAM:

* **Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether judgment should be reported in Digest?

: **PRADEEP NANDRAJOG, J.** (Oral)

1. Petitioner seeks anticipatory bail in FIR No.195/2005 dated 16.5.2005 P.S. Tilak Marg under Section 468/471/420 IPC.

2. At the outset it may be noted that the FIR in question has been registered pursuant to an order dated 16.3.2005 passed by a learned Single Judge of this court sitting on the Original Side while deciding OMP.No.337/2004.

3. The dispute which was being dealt with by the learned Single Judge of this Court on the Original Side pertained to the claim by a contractor to whom Kunj Vihar Cooperative Group Housing Society

Ltd. had awarded construction work.

4. Learned Single Judge prima facie found forgery and fabrication of record by the society. Learned Single Judge found that the forged documents were not only used as if they were genuine documents but additionally had caused a substantial loss to the society namely there was misappropriation of money.

5. It is not in dispute that one Rakesh, brother-in-law of the petitioner was a member of the Managing Committee of the society. It is also not in dispute that the petitioner is a Chartered Accountant. It is also not in dispute that all the documents pertaining to the tender resulting in award of work to the contractor and all financial matters pertaining thereto were being handled by the petitioner, in his office, for the reason there was considerable financial implications in the transaction and petitioner being a chartered accountant was expected to be best suited to supervise the same.

6. Petitioner was granted anticipatory bail by and under an order dated 25.11.2005 passed by by the learned additional Sessions Judge. Petitioner was directed to report to the I.O. on the 1st and 15th day of each month so that investigation could proceed ahead smoothly. It was cancelled as petitioner absconded.

7. Petitioner claims that he joined the investigation till 1.4.2006. Learned counsel for the State does not dispute the said fact but brings to the notice of this court that thereafter petitioner started

avoiding meeting the I.O. probably because he sensed that questions being put to him by the I.O. were uncomfortable to be answered. Further, counsel points out that by September,2006 report of an handwriting expert from the Central Forensic Science Laboratory was received by the police to the effect that documents propounded by the society were forged documents. Learned counsel for the State states that though petitioner had no direct concern as an office bearer of the society but had a direct concern with the issue for the reason documents opined to be forged were prepared in his office, thus, petitioner did not join the investigation and made himself untraceable.

8. In view of the facts noted hereinabove, no case is made out to grant benefit of anticipatory bail to the petitioner.

9. The petition is dismissed.

August 09, 2007 **PRADEEP NANDRAJOG, J.**
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